

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JOHN BADGER

CASE NO. 3:21-CV-01311

VERSUS

JUDGE TERRY A. DOUGHTY

POLICE DEPT CITY OF MONROE

MAG. JUDGE KAYLA D. MCCLUSKY

JUDGMENT

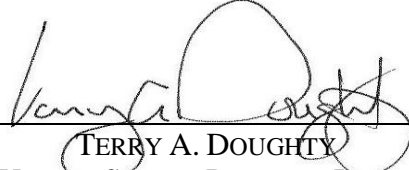
The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED that Defendants' motion to dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:

To the extent that Defendants move for dismissal under Rules 12(b) and 12(b)(5) for lack of capacity to be sued and insufficiency of service of process, the motion is **GRANTED**, and Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the motion to dismiss for failure to state a claim under Rule 12(b)(6) is **DENIED AS MOOT**.

MONROE, LOUISIANA, this 3rd day of August 2021.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE